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7590 02/09/2005			EXAMINER	
Kirk A. Vander Leest McAndrews, Held & Malloy, Ltd. 34th Floor 500 West Madison Street Chicago, IL 60661			PATEL, DHIRUBHAI R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/715,942

Applicant(s)

CASTELLANI ET AL.

Examiner

DHIRU R. PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2831

1. The finality of the final rejection mailed on 11/02/2004 is hereby vacated. This office action replaces previously office action sent on 11/02/04 with a new statutory period. Any inconvenience to the Applicant is regretted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103©) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2831

2. Claims 1-28 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Whitehead (6,417,446) in view of Schaffer et al (5,259,053).

Whitehead discloses:

Regarding claim 1, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); and two power receptacles 98,99 (see figs 5-7, column 8 lines 1-2), but fails to disclose each of said power receptacles having a separate housing and each of said power receptacles is simplex power receptacle as well as two additional simplex power receptacles and each having a separate housing. Schaffer teaches the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see figs 4 and 7, column 1 lines 35-45, column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers. (see column 1 lines 13-15 and lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Schaffer, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate data communication.

Art Unit: 2831

between transmitters and receivers. With respect to two additional simplex power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 2, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1, and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 4, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 5, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 overlying the insert (see fig 3A , column 7 lines 25-30 of Whitehead), the cover assembly including access covers 150 for selectively covering and exposing the simplex power receptacles ( see fig 3A and entire column 7 of Whitehead ).

Art Unit: 2831

Whitehead discloses:

Regarding claim 6, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); and two power receptacles 98,99 and supported by the insert (see figs 5-7, column 8 lines 1-2), and four communication/data jacks 126, 127, 162 supported within the insert ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), but fails to disclose each of said power receptacles having a separate housing and each of said power receptacles is simplex power receptacles as well as two additional simplex power receptacles and each having a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see figs 4 and 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers (see column 1 lines 13-15 and lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidence by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for

Art Unit: 2831

interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers. With respect to two additional simplex power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 7, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the simplex receptacles are configured to snap fit into a portion of the insert (see fig 1, and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 9, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including at least two of the power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 10, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 overlying the insert (see fig 3A , column 7 lines 25-30 of Whitehead), the cover assembly including access covers 150 (see fig 3A and entire column 7 of Whitehead) for selectively covering and exposing the simplex power receptacles ( see fig 3A and entire column 7 of Whitehead).

Art Unit: 2831

Whitehead discloses:

Regarding claim 11, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract as well as entire column 2); the insert having an upper end adjacent to the floor and having a chamber defined therein which extends downwardly from the upper end (see figs 2 and 7, and entire column 7), a cover 136 overlying the insert (see fig 3A), the cover having an upper surface, four communication/data jacks 126, 127, 162 mounted within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10) and two power receptacles 98,99 are mounted within the fitting such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 7, column 8 lines 1-2), but fails to disclose each of said power receptacles having a separate housing and said power receptacles are simplex power receptacle as well as two additional simplex power receptacles and each having a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see figs 4 and 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for



Art Unit: 2831

interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers (see column 1 lines 13-15 and lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Schaffer, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers. With respect to two additional power receptacles having a respective housing, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 13, the modified assembly of Whitehead discloses all the features of the claimed invention as shown above, including at least two of the simplex power receptacles are wired in separate electrical circuits (see figs 5-7 and column 1 lines 54-57 and the entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meets the structural limitations.

Whitehead discloses:

Regarding claim 14, a flush poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the poke-through fitting

Art Unit: 2831

comprising: an insert sized 20 (body, see figs 1-2, entire column 2 and column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2 and entire abstract); a cover 136 overlying the insert (see fig 3A), the cover having an upper surface; and two power receptacles 98,99 are mounted within the fitting in a protected fashion such that the power receptacles do not extend upwardly beyond the upper surface of the cover (see fig 2, column 8 lines 1-2), but fails to disclose each of said power receptacles having a separate housing and each of said power receptacles is simplex power receptacle as well as two additional simplex power receptacles having a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see figs 4 and 7, column 1 lines 35-45, column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers (see column 1 lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidenced by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate data communication. With respect to two additional power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the

Art Unit: 2831

essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re. Hutchison*, 69 USPQ 138. It is noted that the modified assembly of Whitehead meet the structural limitations.

Whitehead discloses:

Regarding claim 16, a poke-through fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the fitting comprising: four communication/data jacks 126,127, 162 mounted within the fitting ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10), the communication/data jacks being arranged in a longitudinal row (see fig 6); first and second electrical receptacles 88,89 disposed on a first lateral side of the communication/data jack (see fig 6); but fails to disclose the first and second receptacles are simplex receptacles as well as two additional simplex receptacles (third and fourth) and each receptacle having a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see figs 4 and 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers (see column 1 lines 13-15 and lines 35-40). It is well known in the electrical art to

Art Unit: 2831

use a simplex power receptacle having a separate housing as evidence by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate optical data communications between transmitters and receivers. With respect to two additional power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

In addition, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re. Hutchison*, 69 USPQ 138. It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 17, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including the first pair of the power receptacles are wired in separate electrical circuits from the second pair of simplex receptacles (see figs 5-7 and column 1 lines 54-57 and the entire column 6 of whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

**Assembly of the device of Whitehead comprises method step of:**

Regarding claim 18, a method of delivering flush poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) that is adapted to be supported in a floor opening 12 in a floor 14 of a

Art Unit: 2831

building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing a cover 146 that overlies the fitting and has an upper surface (see fig 2); mounting four communication/data jacks 126, 127, 162 within the fitting such that the communication/data jacks do not extend upwardly beyond the upper surface of the cover ( please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10 ); mounting two power receptacles 98, 99 within the fitting such that the receptacles do not extend upwardly beyond the upper surface of the cover (see fig 3B), but fails to disclose each of said power receptacles is simplex power receptacles and each of said receptacles having a separate housing and two additional simplex separately formed simplex power receptacles with a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see figs 4 and 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers (see column 1 lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidence by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers. With respect to two additional simplex power receptacles having a respective housing. It would have been

Art Unit: 2831

obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ .

Regarding claim 20, further comprising wiring at least two power receptacles in separate electrical circuits (see column 2 lines 1-7 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

**Assembly of the device of Whitehead comprises method step of:**

Regarding claim 21, a method for providing a poke-through fitting 10 (see fig1, column 4 lines 35-40) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing an insert sized 20 (see figs 1 and 6, entire column 2, column 5 lines 4-65) for insertion into the circular floor opening (see figs 1-2, entire abstract as well as entire column 2); and mounting two power receptacles 98,99 within said insert (see figs 1 and 6), but fails to disclose each of said power receptacles having a separate housing and said power receptacles are simplex power receptacles as well as two additional simplex power receptacles having a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see fig 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers

Art Unit: 2831

(see column 1 lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidence by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers. With respect to two additional simplex power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 22, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wherein the receptacles are configured to snap fit into a portion of the insert (see fig 6 of Whitehead).

Regarding claim 24, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wiring at least two of the receptacles in separate electrical circuits (see fig 7 and entire column 6 of Whitehead). It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 25, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a cover assembly 136 including access covers

Art Unit: 2831

150 (see fig 3A and entire column 7 of Whitehead) for selectively covering and exposing the simplex power receptacles ( see fig 3A and entire column 7 of Whitehead).It is noted that the modified assembly of Whitehead meet the structural limitations.

**Assembly of the device of Whitehead comprises method step of:**

Regarding claim 26, a method for providing a poke-through fitting 10 (see fig 1, column 4 lines 35-40 ) of the type that is adapted to be supported in a circular opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: providing an insert sized 20 (body, see figs 1 and 6, entire column 2, column 5 lines 4-65) for insertion into the circular floor opening (see fig 2); mounting two power receptacles 98,99 within the insert (see figs 1 and 6), and mounting four communication/data jacks 126,127, 162 within the insert (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10 ), but fails to disclose each of said power receptacles having a separate housing and said power receptacles are simplex power receptacle as well as two additional simplex power receptacles having a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see fig 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers(see column 1 lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidence by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace each of the



Art Unit: 2831

power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers.

With respect to two additional simplex power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re. Hutchison*, 69 USPQ 138. It is noted that the modified assembly of Whitehead meet the structural limitations.

**Assembly of the device of Whitehead comprises method step of:**

Regarding claim 27, a method for providing a poke-through wiring fitting 10 (see fig 1, column 4 lines 35-40) of the type that is adapted to be supported in a circular floor opening 12 in a floor 14 of a building structure (see fig 2, entire column 2 and column 4 lines 35-67), the method comprising: mounting four communication/data jacks 126, 127, 162 (please note that a wing 162 which allows the mounting of two additional data jacks, see fig 6, and entire column 7 and column 8 lines 8-10 ), the communication/data jacks being arranged in a longitudinal row (see fig 7); mounting first and second power receptacles 98 , 99 on a first

Art Unit: 2831

lateral side of the communication/data jack; but fails to disclose the third and fourth simplex power receptacles having a separate housing as well as the first and second power receptacles are simplex power receptacle with a separate housing. Schaffer teach the use of a simplex power receptacle having a separate housing (please note that Schaffer disclosed that conventional receptacle may be simplex receptacle having a separate housing, see fig 7, column 1 lines 35-45 , column 3 lines 19-20 and column 4 lines 34-40) in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers(see column 1 lines 35-40). It is well known in the electrical art to use a simplex power receptacle having a separate housing as evidence by Schaffer, therefore, It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the power receptacles of the assembly of Whitehead with a simplex power receptacle having a separate housing as taught by Schaffer in order for interconnection and alignment of a single optical fiber to provide accurate optical data communication between transmitters and receivers. With respect to two additional power receptacles having a respective housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of separately simplex power receptacles, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re. Hutchison*, 69 USPQ 138. It is noted that the modified

Art Unit: 2831

assembly of Whitehead meet the structural limitations. It is noted that the modified assembly of Whitehead meet the structural limitations.

Regarding claim 28, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including wiring the first pair of simplex power receptacles 18 are in a separate electrical circuit from the second pair of simplex receptacles (see fig 7 and entire column 6 of Whitehead).

Regarding claims 3,8,12,15, 19 and 23, the modified assembly of Whitehead disclose all the features of the claimed invention as shown above, including a fire stopping material disposed in the insert (see column 2 lines 50-52, and column 8 lines 53-67 and column 9 lines 1-6 of Whitehead).

With respect to claims 12, 15 and 19, the floor opening formed in the floor and with the poke-through wiring fitting supported in the floor opening, is substantially the same as the fire rating of the floor without the floor opening formed in the floor (see fig 2 of whitehead ) .

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection. With respect <sup>to</sup> Applicant's arguments about <sup>to</sup> simplex power receptacle with a separate housing. It is noted that using <sup>a</sup> simplex receptacle with a separate housing is well know in electrical art as evidence by Schaffer. LSC

### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhuru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

Art Unit: 2831

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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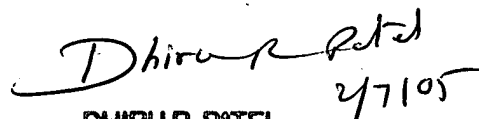
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Group Art Unit 2831

February 7, 2005

  
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